

EXHIBIT 10

SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR KING COUNTY

ROB RINDE, f/k/a ROBERT LARRY LEROY
PITSOR, JR.,

Plaintiffs,

v.

THE CORPORATION OF THE PRESIDENT
OF THE CHURCH OF JESUS CHRIST OF
LATTER-DAY SAINTS, a Utah corporation
sole, a/k/a the "MORMON CHURCH" THE
CHURCH OF JESUS CHRIST OF
LATTER-DAY SAINTS, an unincorporated
association,

Defendant.

NO. 06-2-09825-1 SEA

PLAINTIFF ROBERT RINDE, f/k/a
ROBERT LARRY LEROY PITSOR, JR.'S
ANSWERS AND RESPONSES TO
DEFENDANT CORPORATION OF THE
PRESIDENT OF THE CHURCH OF
JESUS CHRIST OF LATTER DAY
SAINTS' ("COP") FIRST
INTERROGATORIES AND FIRST
REQUESTS FOR PRODUCTION OF
DOCUMENTS TO PLAINTIFF

TO: THE CORPORATION OF THE PRESIDENT OF THE CHURCH OF JESUS
CHRIST OF LATTER-DAY SAINTS, a Utah corporation sole, a/k/a the
"MORMON CHURCH" THE CHURCH OF JESUS CHRIST OF
LATTER-DAY SAINTS, an unincorporated association, Defendants;

AND TO: Charles C. Gordon and Jeffrey I. Tilden of Gordon Murray Tilden LLP,
Attorneys for Defendants.

Plaintiff, for his Answers and Responses to Defendants' First Interrogatories and First
Requests for Production of Documents, states as follows:

DEF LDS CHURCH'S 1ST INTERROGS/RFPS TO PLTF
AND PLAINTIFF'S ANSWERS THERETO - 1 of 30
[rinde.discovery.responses.DOC]

LAW OFFICES
GORDON, THOMAS, HONEYWELL, MALANCA,
PETERSON & DAHEIM LLP
ONE UNION SQUARE
600 UNIVERSITY, SUITE 2100
SEATTLE, WASHINGTON 98101-4185
(206) 676-7500 - FACSIMILE (206) 676-7575

ORIGINAL

INTERROGATORIES

INTERROGATORY NO. 1. Please state your full name, your date of birth, social security number, and your present residential address.

ANSWER:

Robert Paul Rinde
12/08/1969
104 East 8th Street
Starbuck, MN 56381
SSN: 536-74-3645 (plaintiff provides this information with the strict understanding that defendant and their counsel will take steps and measures to protect this information).

INTERROGATORY NO. 2. List all addresses at which you have resided since 1980.

ANSWER:

3623 22nd Avenue W, Seattle, WA 98199
Sundowner Inn, 451 W Main, New Castle, Wyoming 82701
3048 1/2 22nd Avenue W, Seattle, WA 98199
4040 6th Avenue NE, Seattle, WA 98017
3623 22nd Avenue W, Seattle, WA 98199
14508 SE 24th Apt A-103, Bellevue, WA 98007
2312 N Hemlock, Spokane WA 98205
708 W Maxwell St Apt 2, Spokane, WA
1033 S Easy Street, Spokane, WA 99001
38 N Washington, Medical Lake, WA 99022
2312 N Hemlock, Spokane, WA 98205
POB 360, Loon Lake, WA 99148
2371 Jackson Hwy #D, Chehalis, WA 98532
720 NW Mariland Avenue, Chehalis, WA 98532
600 Black Lake Boulevard Apt 54 & Apt 76, Olympia, WA 98502
6640 Little Rock Road SE Apt 2, Tumwater, WA 98512
7015 Alderwood Court, Lacey, WA 98503
807 S Proctor, Tacoma, WA 98405
104 E 8th Street, Starbuck, MN 56381

DEF LDS CHURCH'S 1ST INTERROGS/RFPS TO PLTF
AND PLAINTIFF'S ANSWERS THERETO - 2 of 30
[rinde discovery responses.DOC]

LAW OFFICES
GORDON, THOMAS, HONEYWELL, MALANCA,
PETERSON & DAHEIM LLP
ONE UNION SQUARE
600 UNIVERSITY, SUITE 2100
SEATTLE, WASHINGTON 98101-4185
(206) 676-7500 • FACSIMILE (206) 676-7575

EXHIBIT 11

SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR KING COUNTY

ROB RINDE, f/k/a ROBERT LARRY LEROY
PITSOR, JR.,

Plaintiffs,

v.

THE CORPORATION OF THE PRESIDENT
OF THE CHURCH OF JESUS CHRIST OF
LATTER-DAY SAINTS, a Utah corporation
sole, a/k/a the "MORMON CHURCH" THE
CHURCH OF JESUS CHRIST OF
LATTER-DAY SAINTS, an unincorporated
association,

Defendant.

NO. 06-2-09825-1 SEA

PLAINTIFF ROBERT RINDE, f/k/a
ROBERT LARRY LEROY PITSOR, JR.'S
ANSWERS AND RESPONSES TO
DEFENDANT CORPORATION OF THE
PRESIDENT OF THE CHURCH OF
JESUS CHRIST OF LATTER DAY
SAINTS' ("COP") FIRST
INTERROGATORIES AND FIRST
REQUESTS FOR PRODUCTION OF
DOCUMENTS TO PLAINTIFF

TO: THE CORPORATION OF THE PRESIDENT OF THE CHURCH OF JESUS
CHRIST OF LATTER-DAY SAINTS, a Utah corporation sole, a/k/a the
"MORMON CHURCH" THE CHURCH OF JESUS CHRIST OF
LATTER-DAY SAINTS, an unincorporated association, Defendants;

AND TO: Charles C. Gordon and Jeffrey I. Tilden of Gordon Murray Tilden LLP,
Attorneys for Defendants.

Plaintiff, for his Answers and Responses to Defendants' First Interrogatories and First
Requests for Production of Documents, states as follows:

DEF LDS CHURCH'S 1ST INTERROGS/RFPS TO PLTF
AND PLAINTIFF'S ANSWERS THERETO - 1 of 30
[rinde discovery responses.DOC]

LAW OFFICES
GORDON, THOMAS, HONEYWELL, MALANCA,
PETERSON & DAHEIM LLP
ONE UNION SQUARE
600 UNIVERSITY, SUITE 2100
SEATTLE, WASHINGTON 98101-4185
(206) 676-7500 • FACSIMILE (206) 676-7575

ORIGINAL

1 INTERROGATORY NO. 3. State the full name, telephone number, last known
 2 address of every person known to you or your attorney who has any knowledge regarding the
 3 facts and circumstances and damages alleged in your Amended Complaint, along with a brief
 4 description of their knowledge.
 5

6 ANSWER:

7 Objection to the extent this interrogatory seeks information protected by the attorney-
 8 client and/or work-product privileges. Plaintiff additionally objects to the extent this
 9 interrogatory seeks information which is in the possession of COP and/or its
 10 witnesses. Without waiving these or any other objections, and subject to plaintiff's
 11 right to supplement, plaintiff is aware of the following persons with knowledge:

12 Individuals associated or formerly associated with the Mormon Church

13 Gordon Conger
 14 2217 123rd Avenue SE
 Bellevue, WA 98005
 (425) 746-9658

15 Mr. Conger's knowledge includes, but is not necessarily limited to,
 16 general knowledge re: Lewis' abuse of children, including plaintiff Rob
 17 Rinde. Mr. Conger additionally has knowledge of accompanying
 18 Rinde to a meeting at the King County Courthouse/prosecuting
 19 attorneys' office and of the "advice" to Rinde that he should not tell the
 20 prosecuting attorney/victim's advocate of Lewis' abuse. Mr. Conger
 also has knowledge about his role and the role of other church officials
 in responding to the abuse allegations against Paul Lewis.
 Discovery is continuing.

21 Bishop Johannsen
 22 Bishop Lyman Nielsen
 Unknown address and telephone

23 Robert Rinde reported the abuse to both Bishop Johannsen and Bishop
 24 Nielsen. After Rob's notification, both Bishops discussed the abuse
 25 allegations with Anne Rinde. For further information relating to the
 26 nature and extent of the conversations between Anne Rinde and both
 Bishop Johannsen and Bishop Nielsen, *see*, Anne Rinde's deposition
 transcript. In addition, both Bishop Johannsen and Bishop Nielsen

DEF LDS CHURCH'S 1ST INTERROGS/RFPS TO PLTF
 AND PLAINTIFF'S ANSWERS THERETO - 3 of 30
 [rinde discovery responses.DOC]

LAW OFFICES
 GORDON, THOMAS, HONEYWELL, MALANCA,
 PETERSON & DAHEIM LLP
 ONE UNION SQUARE
 600 UNIVERSITY, SUITE 2100
 SEATTLE, WASHINGTON 98101-4105
 (206) 676-7500 • FACSIMILE (206) 676-7575

1 have knowledge about the actions or lack thereof of the Mormon
 2 Church, in responding to, or in failing to respond to, the allegations of
 the abuse. Discovery is continuing.

3 Paul Lewis
 4 Unknown address and telephone

5 Perpetrator of the abuse. Mr. Lewis additionally has knowledge relating to
 6 actions taken or not taken by Mormon Church officials after the officials
 learned of the abuse.

7 Other Individuals

8 Kate Hall
 9 104 E 8th Street
 10 Starbuck, MN 56381
 (320) 239-4700

11 Personal care assistant/friend of plaintiff. Ms. Hall has knowledge of
 12 plaintiff's emotional and physical damages. Ms. Hall additionally has
 13 knowledge relating to conversations and communications between Rob
 Rinde and Bishops Rosebrough and Pease relating to Paul Lewis (as
 14 indicated in more detail in response to Interrogatory No. 6 below).

15 Anne Mitchell Rinde
 16 Grace Home
 116 West 2nd Street
 17 Graceville, MN 56240
 (320) 748-7261

18 Plaintiff's mother. Among other things, Ms. Rinde has knowledge
 19 about the circumstances of the abuse inflicted upon plaintiff by Paul
 20 Lewis, and has knowledge of the some of the damages plaintiff has
 21 suffered as a result of the abuse and as a result of the actions, or
 22 inactions, of Mormon church officials, including Gordon Conger.
 Ms. Rinde also has knowledge of statements made and some of the
 23 actions of certain Mormon church officials as described in the
 Amended Complaint. For further information, see transcript of Anne
 24 Rinde's deposition.
 25
 26

DEF LDS CHURCH'S 1ST INTERROGS/RFPS TO PLTF
 AND PLAINTIFF'S ANSWERS THERETO - 4 of 30
 [rinde discovery responses.DOC]

LAW OFFICES
 GORDON, THOMAS, HONEYWELL, MALANCA,
 PETERSON & DAHEIM LLP
 ONE UNION SQUARE
 600 UNIVERSITY, SUITE 2100
 SEATTLE, WASHINGTON 98101-4185
 (206) 676-7500 - FACSIMILE (206) 676-7575

Health Care Providers/Therapists

Dr. Stacey Luetmer
Alexandria Clinic, P.A.
610 - 30th Avenue West
Alexandria, MN 56308

Dr. Luetmer is a general practitioner who has limited knowledge of the facts and circumstances of the abuse but is aware that plaintiff was sexually abused. Dr. Luetmer additionally has knowledge of plaintiff's general health issues and medication management.

Jan Nix, Ph.D.
2401 - East 4th Avenue
Suite 200
Olympia, WA 98586
(360) 786-9499

Dr. Nix is a therapist who saw plaintiff for therapy related to his divorce. Rinde disclosed the abuse to Dr. Nix. Dr. Nix also has knowledge of plaintiff's emotional and psychological damages.

Marilyn Tisserand, M.S.
110 - 6th Street East
Alexandria, MN 56308
(320) 763-9000

Ms. Tisserand is providing ongoing therapy to plaintiff and has knowledge regarding the facts, circumstances and damages suffered by plaintiff. Ms. Tisserand additionally has knowledge of abuse incidents as they were uncovered during therapy and has knowledge of the extent of the emotional and psychological damage plaintiff suffered and continues to suffer.

Two Rivers Psychiatric Hospital
5121 Raytown Road
Kansas City, MO 64133

John Klema, III, D.O. (history and physical at admission); Manley, M.D. (psychological testing); Kenneth A. Spaulding, M.D. (discharge summary, psychiatric evaluation) and other staff know of the sexual abuse and have knowledge of the severe emotional and psychological trauma that plaintiff suffered as a result. Plaintiff was hospitalized at

DEF LDS CHURCH'S 1ST INTERROGS/RFPS TO PLTF
AND PLAINTIFF'S ANSWERS THERETO - 5 of 30
[rinde discovery responses.DOC]

LAW OFFICES
GORDON, THOMAS, HONEYWELL, MALANCA,
PETERSON & DAHEIM LLP
ONE UNION SQUARE
600 UNIVERSITY, SUITE 2100
SEATTLE, WASHINGTON 98101-4185
(206) 676-7500 • FACSIMILE (206) 676-7575

Two Rivers Psychiatric Hospital as an inpatient in November 2005 for approximately 1 week.

River Oaks Hospital
1525 River Oaks Road West
New Orleans, LA 70123

Thomas Hauth, M.D., the attending physician, and other staff at the hospital know of the sexual abuse and have knowledge of severe emotional and psychological trauma plaintiff suffered as a result of the abuse, particularly the dissociative identity disorder. Plaintiff was an inpatient at River Oaks Hospital April 2005 for approximately four (4) weeks.

Discovery is continuing and plaintiff specifically reserves the right to supplement these discovery responses.

INTERROGATORY NO. 4. State the full name, telephone number and last known address of any person known to you or your attorney who claims to have seen or heard any representative of any defendant herein make any statement or statements pertaining to any of the events or happenings alleged in your Amended Complaint.

ANSWER:

Anne Mitchell Rinde
Grace Home
116 West 2nd Street
Graceville, MN 56240
(320) 748-7261

Rob Rinde
104 E 8th Street
Starbuck, MN 56381
(320) 239-4700

Kate Hall
104 E 8th Street
Starbuck, MN 56381
(320) 239-4700

DEF LDS CHURCH'S 1ST INTERROGS/RFPS TO PLTF
AND PLAINTIFF'S ANSWERS THERETO - 6 of 30
[rinde discovery responses.DOC]

LAW OFFICES
GORDON, THOMAS, HONEYWELL, MALANCA,
PETERSON & DAHEIM LLP
ONE UNION SQUARE
600 UNIVERSITY, SUITE 2100
SEATTLE, WASHINGTON 98101-4185
(206) 676-7500 - FACSIMILE (206) 676-7575

DEPOSITION OF GORDON CONGER,
DATED FEBRUARY 15, 2007

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

ROB RINDE f/k/a ROBERT LARRY LEROY)
PITSOR, JR.,)
)
 Plaintiff,)
) No. 06-2-00825-1 SEA
 vs.)
)
THE CORPORATION OF THE PRESIDENT)
OF THE CHURCH OF JESUS CHRIST OF)
LATTER-DAY SAINTS, a Utah)
corporation sole; and the "MORMON)
CHURCH" THE CHURCH OF JESUS CHRIST)
OF LATTER-DAY SAINTS, an)
unincorporated association,)
)
 Defendants.)

DEPOSITION OF GORDON G. CONGER

February 15, 2007

Seattle, Washington

Byers & Anderson, Inc.

Court Reporters/Video/Videoconferencing

One Union Square 2208 North 30th Street, Suite 202
600 University St. Tacoma, WA 98403
Suite 2300 (253) 627-6401
Seattle, WA 98101 (253) 383-4884 Fax
(206) 340-1316 scheduling@byersanderson.com
(800) 649-2034 www.byersanderson.com

~~Serving Washington's Legal Community~~

Since 1980

1 MR. GORDON: Objection to the form.

2 But go ahead, if you know.

3 A I -- I do not have personal knowledge of the truth.

4 Q (By Ms. Menely) Do you doubt that Rob Pitsor was
5 abused by Paul Lewis?

6 MR. GORDON: Objection. Form.
7 There's no foundation for this.

8 But go ahead.

9 A Well, I'm assuming that he did.

10 Q (By Ms. Menely) When did you first become aware of
11 Paul Lewis's being an abuser of Rob Pitsor?

12 A Well, I -- I first became aware that Rob Pitsor had
13 been abused when his mother called me and asked me to
14 take Rob for an interview with a King County deputy
15 prosecutor. I don't think I knew the name at the
16 time. I did not know the man. I've never met the
17 man.

18 Q You said that his mother called and asked you to take
19 Rob to a meeting with a King County prosecuting
20 attorney?

21 A Yes.

22 Q And do you recall when Anne -- was that Anne? I'm
23 sorry.

24 A That's Joyce Pitsor.

25 Q Joyce Pitsor.

1 Q Was this the child -- you don't know if this was the
2 child abuse section or something of that nature?

3 A Could have been. I do not know.

4 Q Do you happen to remember the room number?

5 A No. No.

6 Q Do you remember who you met with?

7 A We were greeted by a young woman. I think we knocked
8 on the door, which was -- we were greeted by a young
9 woman. We identified Rob for her. I did. I took
10 the lead.

11 I -- she knew -- she was expecting him. I asked
12 if I could be in attendance at the meeting with him.
13 She said, "No. You need to let us be alone." And so
14 Bishop Johennesen and I sat down on a bench in the
15 hallway across from the entrance to the office.

16 Q The young woman that you're referring to, was she the
17 deputy prosecuting attorney?

18 A I don't know. She was the one that was expecting
19 him.

20 Q Can you describe her at all?

21 A I don't remember what she looked like.

22 Q Was she Caucasian?

23 A I just don't remember.

24 Q Was she -- do you know if she was young?

25 A My impression, youngish.

1 Q Well, you said "young." So the young woman -- you
2 asked if you could be in attendance, and she said no,
3 so she took Rob into some other room somewhere?

4 A Into that -- into that area where she greeted us, and
5 I don't know where they ended up.

6 Q Do you know if Rob wanted you to be in attendance
7 with him at the meeting?

8 A Well, his mother would have liked me to be in
9 attendance, and expressed that to me, and so I asked.
10 Rob was not vocal about it.

11 Q When the young woman told you that you couldn't be in
12 attendance, did you talk with her at any length about
13 that, or was that -- how did that work?

14 A I -- that was the end of the discussion. She and Rob
15 left, and Bishop Johennesen and I went and sat down.

16 Q Did you -- do you recall whether you advised the
17 woman whether you were Rob's lawyer, family friend,
18 father figure?

19 A Well, I certainly didn't advise her that I was his
20 lawyer, because I wasn't. I think I just introduced
21 myself as bringing Rob. I might have said "friend."

22 Q Do you know if Bishop Johennesen had any conversation
23 with the young woman?

24 A He didn't. He let me take the lead.

25 Q But he was there with you the whole time?

1 A Yes.

2 Q How long was Rob -- did Rob meet with this young
3 woman?

4 A I don't remember exact time. It was long enough that
5 I realized how uncomfortable those wooden benches in
6 the courthouse are. I have tried cases in the
7 courtrooms, and the one in the hall was the same kind
8 of bench as in those old courtrooms.

9 And they are not built for comfort, and I
10 remember thinking, Boy, I'm glad that, when I try a
11 case, I don't have to sit in this monstrosity, so it
12 was long enough that I became uncomfortable.

13 Q Do you recall what the conversation -- did you and
14 Bishop Johannesen have any conversation while you
15 were sitting on that uncomfortable bench?

16 A I'm sure I did. There was nothing else to do, but I
17 have no idea with we talked about. It would have
18 been chitchat.

19 Q I take it the young woman eventually brought Rob back
20 to the bench to where you were?

21 A Yes.

22 Q And did you have any further conversation with the
23 young woman at that point?

24 A I just asked how it went, and she gave me some kind
25 of an ambiguous answer. She didn't say. She didn't

1 A No.

2 Q Had you forgotten that you had taken Rob to that trip
3 to Seattle to see the King County prosecuting
4 attorney at any time?

5 A No. I think I've always remembered that.

6 Q Any other conversations that you can recall with Rob
7 over the years?

8 A Well, to give you a little -- I guess I've identified
9 four conversations, one in '96 or '97. The context
10 for that was that at that time I was in Area 70.
11 Part of my responsibilities were to conduct stake
12 conferences, which those are a semiannual meeting for
13 all church members in a stake.

14 And so it involved somewhere around 1,000 people.
15 I was responsible to preside and to speak, and at the
16 conclusion of the stake conference somewhere in the
17 Olympia area -- I don't remember which stake. There
18 are three or four down there, but it was one of the
19 Olympia area stakes.

20 After the meeting was concluded, Rob came up to
21 the front where I was and greeted me. I, of course,
22 remembered him. He had a young woman with him who he
23 introduced to me as his wife and was very happy, and
24 we had a very warm conversation for three or four
25 minutes.

1 I believe they had a child. I'm not sure that
2 they had the child with them, but he was there with
3 her, and he was proud to be married, and I was happy
4 to greet his wife, and it was a pleasant moment.

5 Q And then the second meeting was at your home --

6 A Yes.

7 Q -- where Rob came?

8 Do you remember when that was?

9 A That was sometime later, but not a long time later.
10 And, again, he and his wife stopped by. I think they
11 had connected with perhaps the Stowell family who
12 lived very close in our neighborhood and who had
13 become his home teacher after I was no longer their
14 teacher.

15 And, again, that was a very pleasant
16 conversation. We were happy to get better acquainted
17 with his wife. I think he brought back a guitar that
18 we had loaned him.

19 MR. GORDON: Do you want to take a
20 break, Gordon? Are you okay?

21 THE WITNESS: No. Let's talk.

22 A When we were his home teacher, we tried to give him a
23 special gift each Christmas. We gave him a computer
24 one Christmas because they didn't have much.

25 And he expressed a desire, one of our visits, to

1 take guitar lessons, but he didn't have a guitar. So
2 we bought a guitar, and the next time we went, we
3 loaned it to him. It was not Christmastime. We
4 couldn't say it was a gift, and I think he brought
5 that guitar back on that second visit, and we have it
6 today.

7 Q (By Ms. Menely) And there was no discussion about
8 the abuse or the trip to King County, just a pleasant
9 conversation?

10 A No. Just a pleasant conversation, warm conversation.

11 Q And then the other two communications you've had with
12 Rob were the two phone calls?

13 A Right.

14 MS. MENELY: Why don't we go ahead
15 and take a five-minute break, if it's okay with you
16 guys?

17 MR. GORDON: Sure.

18 (Recess taken from 10:33
19 a.m. to 10:43 a.m.)
20

21 EXAMINATION (Continuing)

22 BY MS. MENELY:

23 Q Mr. Conger, I'm trying to get my bearings here. Do
24 you know Bishop Lymon Nielsen?

25 A No.

1 A Well, we go by twos, and the home teacher is a church
2 assignment, and we are asked to have a companion. He
3 also was a holder of the priesthood, and so this is a
4 way for young men to learn how to serve.

5 Q What happens at a home teaching session? Do you talk
6 about -- for instance, do you talk about not having
7 Christmas gifts or do you talk about spiritual
8 matters?

9 MR. GORDON: Are we talking about
10 when he was at the Pitsor residence?

11 MS. MENELY: Yes.

12 MR. GORDON: Okay.

13 A We would spend some time in conversation, which was
14 to build friendship, build empathy. We would try to
15 leave a short spiritual message and then always
16 conclude with prayer, a blessing on the home and
17 family.

18 Q (By Ms. Menely) And is this pretty generally how
19 home teachings work?

20 A Yes.

21 Q So there's nothing special about the Pitsor family?

22 A Well, there were lots of needs there, so we spent
23 lots of time with the needs.

24 Q And can you explain that to me? Do you mean you went
25 there more often than you would other families where

1 you were a home teacher, or you spent more time there
2 on your home visits, or --

3 A Well, probably more time on the visits. Joyce
4 unfortunately, because of obesity and other health
5 issues, was very minimally functional. She could
6 barely walk around, and so that household needed a
7 lot of help.

8 The women's organization in our ward also visited
9 Joyce each month, two women called visiting teachers,
10 and they would periodically get a group of ladies
11 together to clean the place up and to give her a lift
12 with household needs.

13 And we helped coordinate that, and that was
14 conveniently done when Myrna was working, so Myrna
15 would visit part of the time, and David would visit
16 with me part of the time. I never went alone.

17 Q Do you know who the two women were in the -- you said
18 two women of the women's organization also visited.

19 Did you mean that on somewhat of a regular basis?

20 A Yes. They would make monthly visits as well. I
21 believe Bonnie Stowell was one of her visiting
22 teachers. I'm not sure of that, but I believe so. I
23 don't -- I don't remember who else that would have
24 been. Myrna handled liaison with the visiting
25 teachers.

1 Q So you got to know Joyce and the rest of the family
2 during these visits?

3 A Excuse me?

4 Q Did you get to know Joyce and the rest of the family
5 during these home teaching visits?

6 A Yes.

7 Q Did you ever visit the Pitsor family on an unofficial
8 basis, not as home teacher, just as a friend?

9 A I used to take the little boys to the park, which is
10 across the street from the Pitsor home, and sometimes
11 Rob would be with me, and sometimes he would not.

12 They had a pretty limited existence because Joyce
13 wouldn't let them out to play in the play area around
14 the complex there because she couldn't keep an eye on
15 them, and so I tried to give them a little
16 broadening.

17 I took Rob and the little boys to the government
18 lots one Saturday for an extended outing. I took
19 them to my office one Saturday for an extended
20 outing. I wanted Rob to see another kind of life and
21 to have some broadening.

22 So I did some of those things, but I did those
23 really -- I mean, home teacher is supposed to be a
24 friend, so those were done as -- in both ways.

25 Q Okay. Did you -- was this taking the children out to

1 in context, the first sentence says, "In
2 approximately 1984/1985 Rinde disclosed the abuse and
3 his mother reported to the civil and church
4 authorities a criminal investigation of Lewis
5 ensued."

6 Do you see that?

7 A Yes.

8 Q I'm going to ask you some questions about what
9 follows, and the first -- the next sentence says,
10 "Church officials described herein above shielded
11 Lewis from the law."

12 Would you deny that you took any action in this
13 matter that shielded Mr. Lewis from the law?

14 A I do deny that.

15 Q It goes on. "The same church officials urged Rinde,
16 then age 14, to not cooperate with the law
17 enforcement investigation of Lewis, thereby allowing
18 Lewis to evade criminal prosecution and to move to
19 another state where he eventually sexually molested
20 more children."

21 Do you agree or disagree with the allegation,
22 that you, as a church official, urged Rinde to not
23 cooperate with authorities?

24 A I disagree. I did not.

25 ~~Q It goes on. These church officials -- and I want you~~

1 to assume that you're one of those as referenced
2 there -- told him that he would not be believed; that
3 it would be, quote, his word, closed quote, against
4 Lewis; that his allegations would hurt the image and
5 representation of the Mormon Church; that Rinde would
6 be ridiculed and denied -- derided by church members
7 in addition to other comments calculated to
8 intimidate Rinde from cooperating with the civil
9 authorities from investigating Lewis.

10 Would you agree or disagree that you took any
11 such actions?

12 A I disagree.

13 Q Would you -- did you see anything, from what you were
14 personally involved in with Bishop Johennesen, that
15 would suggest he participated in any such activity?

16 A I saw none.

17 Q Let's go to 4.2 -- 4.12. "An abused victim advocate
18 in the King County prosecutor's office arranged a
19 meeting with Rinde at her office. Before she can
20 meet privately with Rinde, Mormon Church leaders
21 interfered with the investigative process."

22 Do you agree or disagree with that allegation?

23 A As to my involvement in such a thing?

24 Q Yes.

25 ~~A I was never involved in interfering with an~~

1 investigative process.

2 Q It says, "The three adult male officials" -- and I
3 want you to assume one of whom is you -- "went to
4 Rinde's home and told him that they would take him to
5 the meeting at the prosecutor's office downtown. On
6 the ride downtown in the car the three adult Mormon
7 Church officials pressured Rinde not to cooperate
8 with law enforcement officials."

9 Do you agree or disagree with that allegation?

10 A I never engaged in that kind of conduct.

11 Q Let's go to 4.13. "At the meeting the church
12 official that was a licensed Washington attorney" --
13 and I want you to assume that's you -- "told the
14 victim's advocate that he was Rinde's attorney which
15 was untrue. The church official/lawyer told the
16 victim advocate he would not permit her to interview
17 Rinde in private."

18 Do you agree or disagree?

19 A Well, I never told a prosecuting attorney or a
20 victim's advocate that I was Rinde's attorney. I
21 couldn't. I wasn't. My law firm procedures would
22 preclude it and had not been observed. I never told
23 them that he -- they would not be permitted to
24 interview Rinde, ever.

25 Q In fact, did a private interview occur between Rinde

1 and whoever represented King County?

2 A Yes, as I've testified.

3 Q Okay. Go to Page 7 of 10. I'm looking at pages at
4 the bottom there. Do you see at the bottom, 6.2?

5 A Yes.

6 Q And I want you to assume that you're representing
7 what the defendant -- it says, "Defendant knew or in
8 exercise of reasonable care should have known that
9 tampering with a witness was unlawful and that such
10 conduct as pressuring victims not to disclose would
11 be harmful to the best interest and psychological
12 well-being of child victims of sexual abuse including
13 plaintiff."

14 Do you agree or disagree or deny that you engaged
15 in any activity that would constitute tampering with
16 a witness?

17 MS. MENELY: Objection. Calls for
18 legal conclusion.

19 Q (By Mr. Gordon) You may answer.

20 A I, of course, have always known that tampering with a
21 witness is unlawful, that is, always during my time
22 as a lawyer since law school. I would never tamper
23 with a witness. I would not ever pressure victims
24 not to disclose or be harmful -- whatever the rest of
25 these words say.

1 Q Okay. Let's go to complaint 8 of 10. You see 6.5
2 there?

3 A Let's see.

4 Q It's complaint 8 of 10.

5 A Yes.

6 Q It says, "Of the church being more concerned about
7 shielding itself from scandal and potential civil
8 liability and intent on protecting the public
9 interest of its all-male/Mormon priesthood.

10 "At the expense of aiding a gravely injured
11 child" -- that was a plaintiff -- "pressured
12 plaintiff into not cooperating with the civil
13 authorities with full knowledge of and with reckless
14 disregard of the emotional and psychological injuries
15 its conduct was certain to inflict."

16 Do you agree or disagree if that is intended to
17 include you as an actor in this that's accurate or
18 not?

19 A It is not only not accurate, it's an outrage.

20 Q Let's go to Exhibit 3, if you would.

21 A (Witness complies.)

22 Q Exhibit 3, Mr. Conger. It's the next one. It's the
23 interrogatory answer. Do you have it?

24 A I don't have it.

25 Q Oh, here it is. I'm sorry. I'm just going to ask

RECEIVED
2007 MAR -1 AM 11:49
JUDGE: GORDON
SUPERIOR COURT CLERK
SEATTLE, WA

The Honorable William L. Downing

SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR KING COUNTY

ROB RINDE f/k/a ROBERT LARRY LEROY
PITSOR, JR.,

Plaintiff,

v.

THE CORPORATION OF THE PRESIDENT
OF THE CHURCH OF JESUS CHRIST OF
LATTER-DAY SAINTS, a Utah corporation
sole; a/k/a the "MORMON CHURCH" THE
CHURCH OF JESUS CHRIST OF LATTER-
DAY SAINTS, an unincorporated association,

Defendants.

NO. 06-2-09825-1 SEA

[PROPOSED] ORDER DENYING
PLAINTIFF'S MOTION TO AMEND
COMPLAINT

THIS MATTER came before the Court on the Plaintiff's Motion to Amend the Complaint to add several causes of action against Gordon Conger. The Court has considered plaintiff's motion, the Declaration of Michelle A. Menely and attached exhibits, defendant's opposition to the motion, the Declaration of Michael Rosenberger and attached exhibits and plaintiff's reply.

Having considered the parties' submissions, the Court hereby denies the motion. While motions to amend are usually freely given, a trial court appropriately denies a motion to amend

ORDER - 1

COPY

GORDON MURRAY TILDEN LLP
1001 Fourth Avenue, Suite 4000
Seattle, WA 98154-1007
Phone (206) 467-6477
Fax (206) 467-6292

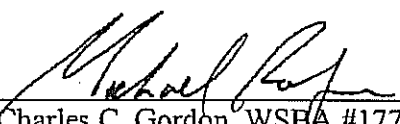
1 when a claim is without merit. To the extent plaintiff has any claims against Mr. Conger based
2
3 upon his conduct in 1984 or 1985, they accrued at that time and the statute of limitations began
4
5 to run when plaintiff turned 18 in 1987. They are now time-barred, and thus plaintiff's motion
6
7 must be denied.
8

9 DATED this _____ day of _____, 2007.
10
11

12
13 _____
14 The Honorable William L. Downing
15

16 Presented by:
17

18 **GORDON MURRAY TILDEN LLP**
19

20
21 By 
22 Charles C. Gordon, WSEA #1773
23 Jeffrey I. Tilden, WSBA #12219
24 Michael Rosenberger, WSBA #17730
25 Attorneys for Defendant
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45

ORDER - 2

GORDON MURRAY TILDEN LLP
1001 Fourth Avenue, Suite 4000
Seattle, WA 98154-1007
Phone (206) 467-6477
Fax (206) 467-6292

ORIGINAL COURT MINUTES

PAGE 22

** PREPARED **
02-22-07 13:18

SHOW CAUSE COMPLIANCE HEARING - SEATTLE

THURSDAY, MARCH 1, 2007

JUDGE JOHN P ERLICK

COURT CLERK

MAUREEN ANN BELL

90 DAYS PRIOR DATE DECEMBER 1, 2006

Not Reported

06-2-09825-1 SEA

RINDE, ROB

VS CORPORATION OF THE PRESIDENT OF
THE CHURCH OF JESUS CHRIST OF
GORDON, CHARLES COOPER
TILDEN, JEFFREY IVER

KOSNOFF, TIMOTHY DAVID

ORDER OF CONTINUANCE /SHOW CAUSE

_____ Case is on track; parties to follow civil case schedule.

☒ Status conference continued to 4-5-2007 unless before
then A confirmation of joinder, a statement of arbitrability or a
dismissal of all claims and parties is filed.

_____ Case transferred to Mandatory Arbitration; Statement of Arbitrability to
be filed by _____.

_____ Case is dismissed without prejudice.

☒ Order is signed.

_____ Stricken no appearances.

SCOMIS CODE:

_____ STAHRG _____ HSTKIC ☒ HSTKNA _____ HCNTU

FILED
 KING COUNTY, WASHINGTON
 MAR 01 2007
 SUPERIOR COURT CLERK
 BY MAUREEN ANN BELL
 DEPUTY

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
 IN AND FOR THE COUNTY OF KING

RINDE FKA

Plaintiff / Petitioner

vs.

CORP OF THE PRES OF THE CHURCH OF LATT
 Defendant / Respondent

NO. 06-2-09825-1 SEA

ORDER ON SHOW CAUSE HEARING
(Clerk's Action Required)

SCOMIS Code: ORSTAC/ORDSM/ORCNT

I. The Court finds upon initial review that:

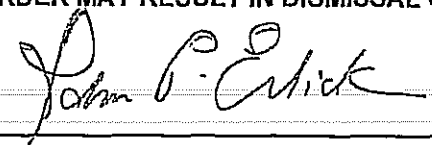
- 1.1 The parties were not in compliance with the Case Schedule. The Court further finds:
 1.2 ☐ The parties appeared for the hearing.
 1.3 ☒ The parties/_____ failed to appear for the hearing.
 1.4 ☐ A Confirmation of Service, showing service on all named parties, has not been filed.
 1.5 ☐ The case appears to be subject to mandatory arbitration, but is not yet at issue.
 1.6 ☐ Mandatory pleadings having not been filed, the _____ has not moved for default.
 1.7 ☐ _____

II. It is hereby ordered:

- 2.1 ☐ This action / _____ is dismissed without prejudice.
 2.2 ☐ The case is **on track** because it is in substantial compliance with the Case Schedule.
 2.3 ☐ The case is fully at issue and subject to **mandatory arbitration**. The Court hereby transfers this case to mandatory arbitration, and a Statement of Arbitrability shall be filed by _____ with payment of \$220.
 2.4 ☐ The Court further requires that:

 2.5 ☐ **Sanctions / Terms** in the amount of \$ _____ shall be paid by _____ to the King County Clerk / _____ no later than _____ for failure to appear as ordered / comply with court rules / _____.
 2.6 ☒ This matter is continued until 4-5-2007. Hearing will be stricken if amended confirmation of joinder is filed with Box 1 checked or case will be dismissed.
 2.7 **FAILURE TO COMPLY WITH ANY TERMS OF THIS ORDER MAY RESULT IN DISMISSAL OR FURTHER SANCTIONS.**

DATED: MAR 01 2007


 Superior Court Judge John P. Erlick

rptORSC

06-2-09825-1 SEA

GORDON, CHARLES COOPER
1001 4TH AVE STE 4000
SEATTLE, WA 98154-1007

KOSNOFF, TIMOTHY DAVID
600 UNIVERSITY ST STE 2100
SEATTLE, WA 98101-4161

TILDEN, JEFFREY IVER
1001 4TH AVE STE 4000
SEATTLE, WA 98154-1007

FILED

2007 MAR -5 AM 11:15

KING COUNTY
SUPERIOR COURT CLERK
SEATTLE, WA.

THE HONORABLE WILLIAM L. DOWNING

SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR KING COUNTY

ROB RINDE f/k/a
ROBERT LARRY LEROY PITSOR, JR.,

Plaintiff,

v.

THE CORPORATION OF THE PRESIDENT
OF THE CHURCH OF JESUS CHRIST OF
LATTER-DAY SAINTS, a Utah corporation
sole.

Defendant.

NO. 06-2-09825-1 SEA

REPLY ON MOTION TO AMEND
PLAINTIFF'S AMENDED COMPLAINT

NOTED FOR: MARCH 5, 2007
WITHOUT ORAL ARGUMENT

COMES NOW Plaintiff Rob Rinde, by and through his attorneys of record, and replies to the Opposition by the Corporation of the President of the Church of Jesus Christ of Latter-Day Saints to Plaintiff's Motion to Amend Complaint.

I. THE DEFENDANT'S IMPROPER ATTEMPT TO CONVERT THIS MOTION INTO A SUMMARY JUDGMENT MOTION SHOULD BE REJECTED

Defendant Corporation of the President of the Church of Jesus Christ of Latter-Day Saints ("COP"), has improperly tried to turn this motion to amend into a motion for summary judgment. Plaintiff presented a basic motion to amend to add claims against a person who is not only well known to COP, but is a person COP has long known to be someone that the plaintiff may add as a party to this litigation. Following Conger's deposition, plaintiff has

REPLY ON MOTION TO AMEND COMPLAINT - 1
(06-2-09825-1 SEA)
[176457 v18.doc]

LAW OFFICES
GORDON, THOMAS, HONEYWELL, MALANCA,
PETERSON & DAHEIM LLP
ONE UNION SQUARE
600 UNIVERSITY, SUITE 2100
SEATTLE, WASHINGTON 98101-4105
(206) 676-7500 - FACSIMILE (206) 676-7575

ORIGINAL

chosen to add him as a party. On a motion to amend to add claims against a new party, the plaintiff is not required to establish its claims to a summary judgment standard. *See* CR 15, CR 56. It would be impossible for plaintiff to prepare an adequate response to all the issues raised by COP within the time constraints and page limits imposed for a reply to a motion to amend. If a summary judgment standard was applied to a motion to amend, before significant discovery and expert evaluations could be completed, then motions to amend to add claims would likely never be granted. Instead, the rule provides that leave to amend should be freely given where justice so requires. CR 15. Here, in light of the facts regarding Mr. Conger's actions and his relationship with COP and the plaintiff, justice requires that the plaintiff be allowed to add claims against Mr. Conger in this lawsuit for the damages he has suffered. COP can bring its substantive and dispositive motions (to the extent they have any merit) another day.

II. COP HAS NOT ALLEGED IT WILL SUFFER ANY PREJUDICE BY THE AMENDMENT

COP's entire brief is an outline of its trial defenses (essentially blaming the victim and his family), but does not provide any evidence that it will suffer any prejudice as a result of the addition of the claims against Conger. COP does not even attempt to argue it will suffer prejudice, implicitly conceding that it will not be prejudiced in any way by the amendment. As stated in the original Motion, trial is many months away, discovery is just starting, and plaintiff has no objection to a continuance of the trial if necessary. Where COP cannot show that it will suffer from any prejudice by the addition of Conger, the plaintiff should be allowed to amend his complaint to add claims against Conger. *O'Kelly v. Sali*, 67 Wn.2d 296, 298, 407 P.2d 467 (1965); *Lind v. Fick*, 15 Wn. App. 614, 550 P.2d 709 (1976); *Grant v. Morris*, 7 Wn. App. 134, 498 P.2d 336 (1972).

REPLY ON MOTION TO AMEND COMPLAINT - 2
(06-2-09825-1 SEA)
[176457 v18.doc]

LAW OFFICES
GORDON, THOMAS, HONEYWELL, MALANCA,
PETERSON & DAHEIM LLP
ONE UNION SQUARE
600 UNIVERSITY, SUITE 2100
SEATTLE, WASHINGTON 98101-4185
(206) 676-7500 - FACSIMILE (206) 676-7575

III. PLAINTIFF STATES VALID CLAIMS AGAINST CONGER THAT ARE NOT BARRED BY THE STATUTE OF LIMITATIONS

Despite COP's improper attempt to convert this motion to amend into a summary judgment motion, COP's arguments regarding the validity of the plaintiff's claims against Mr. Conger still fail. COP's primary argument is that the claims against Conger are without merit because they are time barred, relying on the conclusory determination that RCW 4.16.340 does not apply to the claims against Conger. However, a correct reading of the statute and the case law interpreting the statute leads to the conclusion that RCW 4.16.340 applies directly to plaintiff's claims against Conger. The statute applies to "[a]ll claims or causes of action based on" sexual abuse. RCW 4.16.340. Consistent with the language of the statute, the Washington Supreme Court has interpreted this statute very broadly to include negligence claims if they are based on sexual abuse inflicted by a third party. *C.J.C. v. Corporation of the Catholic Bishop of Yakima*, 138 Wn.2d 699, 709-711, 985 P.2d 262 (1999). Here, plaintiff alleges that he suffered from significant damages as a result of **both** Mr. Conger's **intentional** and **negligent** conduct in failing to help him obtain appropriate aid following the rape and in pressuring him to recant his allegations of sexual abuse committed by a Mormon Church scoutmaster and priest in an effort to cover up the abuse and protect the Mormon Church. Under the plain language of the statute and the analysis set out in *C.J.C.*, plaintiff's claims against Mr. Conger are based on the sexual abuse he suffered and fall clearly within the statute of limitations provided by 4.16.340.¹

COP also fails to recognize the applicability of the doctrine of emotional disability tolling of the statute of limitations, which has long served as a legal protection for those crippled by emotional disability like plaintiff. RCW 4.16.190. This doctrine applies to any

¹ COP also incorrectly argues that plaintiff's claims are time barred because he was aware of some of the actions of Conger on the day of the meeting with the prosecutor. However, this argument is without any merit where RCW 4.16.340 provides that the cause of action accrues at the time that the victim connects the damages suffered with the actions, regardless of whether the victim was aware and retained a recollection of the actions giving rise to the claim. Either way this is a question for the jury.

1 cause of action, not just those based on intentional conduct or sexual abuse. Moreover, the
 2 emotional disability that forms the basis for the equitable tolling need not have been the
 3 consequence of the defendant's tortious conduct but can be wholly unrelated. Here, the
 4 plaintiff's well-documented medical disability, as conceded by COP in its Opposition, is
 5 buttressed by the fact that COP and Conger were the cause of the emotional disability and
 6 should not derive a legal benefit from the harm their conduct has caused plaintiff. Even if
 7 RCW 4.16.340 did not apply to the plaintiff's claims, the emotional disability tolling doctrine
 8 applies so that plaintiff's claims against Mr. Conger are timely and he should now be granted
 9 leave to pursue those claims.²

10 COP also argues that plaintiff's Outrage claim fails as a matter of law where "allowing
 11 the claim to go to the jury would improperly permit double recovery." Opposition at p. 11.
 12 COP's argument on this point is simply premature. Plaintiff is seeking an amendment to add a
 13 new party and, as is warranted and frequently observed, plaintiff has stated all potential
 14 causes of action that are justified on the facts known to him at this time. Plaintiff is entitled to
 15 assert all potential claims at this point, even if plead in the alternative. Whether or not all
 16 claims are ultimately submitted to the jury is not germane to this Motion to Amend.³

17 Finally, COP argues that plaintiff's Motion to Amend to add claims against Conger
 18 should be denied because no duty may be imposed on Conger to support a negligence claim
 19 where he was simply engaging in acts of friendship and companionship. This is clearly a
 20 factual question for the jury. COP's argument on this issue is based on the self-serving
 21 testimony of Conger.⁴ However, a review of Conger's deposition actually provides further
 22

23 ² As a practical matter, questions concerning whether the case is time-barred and whether the statute is tolled are
 24 both premature future questions for the jury, and in this case involve complex psychological issues which require
 25 significant expert work-up.

26 ³ For the same reasons, COP's arguments that the conspiracy claim and the negligence claim are without merit
 because of plaintiff's alternative pleading fails.

⁴ COP's entire Opposition, which attempts to paint an unduly favorable picture of Mr. Conger and is essentially
 a defense of the claims against Mr. Conger, causes one to further notice the significance of the relationship
 between COP and Mr. Conger.

1 support for plaintiff's claims that Conger and COP sought to cover up plaintiff's allegations of
 2 abuse. Conger agreed to act in the place of a parent and accompany the twelve year old boy
 3 to a meeting with the prosecutor's office to report to authorities that he had been sexually
 4 molested, but now claims in deposition all he did was give him a ride and wait outside during
 5 the interview. *Opposition at 5.* Conger's testimony strains credulity, where Conger had a
 6 long relationship with the family as a church-appointed "home teacher," who was regularly
 7 and deeply involved with the plaintiff and his family. *Conger Deposition, pp. 46-48.* Conger
 8 was assigned by the COP to assist the plaintiff and his family in personal matters, assumed
 9 further obligation to the plaintiff by agreeing to accompany him to a meeting to report the
 10 horrific and sadistic abuse by another member of his Mormon Church and then failed in his
 11 responsibilities by making no effort to ensure that the plaintiff reported the abuse, received the
 12 help he needed, the Mormon Scoutmaster was removed, and the child received medical
 13 treatment. These facts alone support a negligence claim against Conger. RESPECTFULLY
 14 SUBMITTED this 5th day of March 2007.

15
 16 GORDON, THOMAS, HONEYWELL,
 17 MALANCA, PETERSON & DAHEIM LLP

18 By 

19 Michael T. Pfau, WSBA No. 24649

20 mpfau@gth-law.com

Michelle A. Menely, WSBA No. 28353

21 mmenely@gth-law.com

22 Co-Counsel for Plaintiff

23 LAW OFFICES OF TIMOTHY D. KOSNOFF

24 By _____

25 Timothy D. Kosnoff, WSBA No. 16586

26 timkosnoff@comcast.net

Co-Counsel for Plaintiff

CERTIFICATE OF SERVICE

COMES NOW Tanya Garbell and declares:

1. I am employed at the law office of Gordon, Thomas, Honeywell, Malanca, Peterson & Daheim, LLP.;

2. On March 5, 2007, I served true and correct copies of the foregoing via ABC Legal Messengers (or other method indicated below) by directing delivery to and addressed to the following:

Counsel for Defendant COP
Charles C. Gordon, Esq.
Michael R. Rosenberger, Esq.
GORDON MURRAY TILDEN
1001 Fourth Avenue, Suite 4000
Seattle WA 98154
Phone: 206.467.6477
Fax: 206.462.6292

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT THE FOREGOING IS TRUE AND CORRECT.

EXECUTED this 5th day of March, 2007 at Seattle, Washington.



Tanya Garbell, Legal Assistant

FILED

KI

TON

MAR 06 2007

SUPERIOR COURT CLERK
BY DEBRA BAILEY TRAIL
DEPUTY

The Honorable William L. Downing

SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR KING COUNTY

ROB RINDE f/k/a ROBERT LARRY LEROY
PITSOR, JR.,

Plaintiff,

v.

THE CORPORATION OF THE PRESIDENT
OF THE CHURCH OF JESUS CHRIST OF
LATTER-DAY SAINTS, a Utah corporation
sole; a/k/a the "MORMON CHURCH" THE
CHURCH OF JESUS CHRIST OF LATTER-
DAY SAINTS, an unincorporated association,

Defendants.

NO. 06-2-09825-1 SEA

~~PROPOSED~~ ORDER DENYING
PLAINTIFF'S MOTION TO AMEND
COMPLAINT

THIS MATTER came before the Court on the Plaintiff's Motion to Amend the Complaint to add several causes of action against Gordon Conger. The Court has considered plaintiff's motion, the Declaration of Michelle A. Menely and attached exhibits, defendant's opposition to the motion, the Declaration of Michael Rosenberger and attached exhibits and plaintiff's reply.

Having considered the parties' submissions, the Court hereby denies the motion. While motions to amend are usually freely given, a trial court appropriately denies a motion to amend

ORDER - 1

GORDON MURRAY TILDEN LLP
1001 Fourth Avenue, Suite 4000
Seattle, WA 98154-1007
Phone (206) 467-6477
Fax (206) 467-6292

1 when a claim is without merit. To the extent plaintiff has any claims against Mr. Conger based
2
3 upon his conduct in 1984 or 1985, they accrued at that time and the statute of limitations began
4
5 to run when plaintiff turned 18 in 1987. They are now time-barred, and thus plaintiff's motion
6
7 must be denied.

8
9 DATED this 5 day of March, 2007.

10
11
12 
13 The Honorable William L. Downing
14
15

16 Presented by:

17
18 **GORDON MURRAY TILDEN LLP**
19

20
21
22 By 

23 Charles C. Gordon, WSBA #1773

24 Jeffrey I. Tilden, WSBA #12219

25 Michael Rosenberger, WSBA #17730

26 Attorneys for Defendant
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45

ORDER - 2

Exhibit Page 689

GORDON MURRAY TILDEN LLP
1001 Fourth Avenue, Suite 4000
Seattle, WA 98154-1007
Phone (206) 467-6477
Fax (206) 467-6292

FILED

07 MAR -7 PM 4:48

KING COUNTY
SUPERIOR COURT CLERK
SEATTLE, WA

The Honorable William L. Downing

SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR KING COUNTY

ROB RINDE f/k/a ROBERT LARRY LEROY
PITSOR, JR.,

Plaintiff,

v.

THE CORPORATION OF THE PRESIDENT
OF THE CHURCH OF JESUS CHRIST OF
LATTER-DAY SAINTS, a Utah corporation
sole, and the "MORMON CHURCH" THE
CHURCH OF JESUS CHRIST OF LATTER-
DAY SAINTS, an unincorporated association,

Defendant.

NO. 06-2-09825-1 SEA

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on March 7, 2007, copies of the following
document:

1. NOTICE TO CLERK OF SUPERIOR COURT OF FILING NOTICE OF
REMOVAL; and
2. this CERTIFICATE OF SERVICE

were served at the following addresses via the methods indicated:

Michael T. Pfau

Michelle A. Menely

CERTIFICATE OF SERVICE - 1

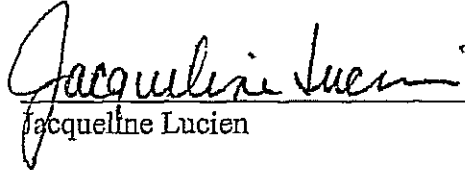
GORDON MURRAY TILDEN LLP
1001 Fourth Avenue, Suite 4000
Seattle, WA 98154
Phone (206) 467-6477
Fax (206) 467-6292

ORIGINAL

1 Gordon, Thomas, Honeywell, Malanca, Peterson & Daheim LLP
2 600 University, Suite 2100
3 Seattle, WA 98101-4185
4 Co-Counsel for Plaintiff Rob Rinde
5 ☐ Mail ☒ (XX) Hand Delivery ☐ Via e-mail
6 ☐ Fax ☐ Federal Express
7

8 Timothy D. Kosnoff
9 Law Offices of Timothy D. Kosnoff
10 One Union Square
11 600 University Street, Suite 2101
12 Seattle, WA 98101
13 Co-Counsel for Plaintiff Rob Rinde
14 ☐ Mail ☒ (XX) Hand Delivery ☐ Via e-mail
15 ☐ Fax ☐ Federal Express
16

17 DATED this 7th day of March, 2007.
18

19 
20
21
22 Jacqueline Lucien
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45

CERTIFICATE OF SERVICE - 2

GORDON MURRAY TILDEN LLP
1001 Fourth Avenue, Suite 4000
Seattle, WA 98154
Phone (206) 467-6477
Fax (206) 467-6292

FILED

07 MAR -7 PM 4:48

KING COUNTY
SUPERIOR COURT CLERK
SEATTLE, WA

The Honorable William L. Downing

SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR KING COUNTY

ROB RINDE f/k/a ROBERT LARRY LEROY
PITSOR, JR.,

Plaintiff,

v.

THE CORPORATION OF THE PRESIDENT
OF THE CHURCH OF JESUS CHRIST OF
LATTER-DAY SAINTS, a Utah corporation
sole,

Defendant.

NO. 06-2-09825-1 SEA

NOTICE TO CLERK OF SUPERIOR
COURT OF FILING NOTICE OF
REMOVAL

(Clerk's Action Required)

TO: Clerk of the Superior Court of the State of Washington for King County

NOTICE IS HEREBY GIVEN pursuant to 28 U.S.C. § 1446(e) that on March 7, 2007,
CORPORATION OF THE PRESIDENT OF THE CHURCH OF JESUS CHRIST OF LATTER-
DAY SAINTS, the sole defendant in the above-entitled action, filed a Notice of Removal, a copy
of which is attached to this Notice, removing the above-entitled action to the United States
District Court for the Western District of Washington at Seattle.

NOTICE TO CLERK OF REMOVAL - 1

ORIGINAL

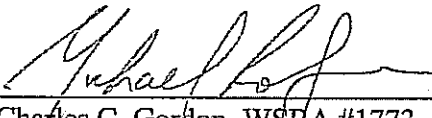
Exhibit Page 692

GORDON MURRAY TILDEN LLP
1001 Fourth Avenue, Suite 4000
Seattle, WA 98154-1007
Phone (206) 467-6477
Fax (206) 467-6292

1 YOU ARE ALSO ADVISED that upon this filing of a copy of the notice with the Clerk
2
3 of the Superior Court of Washington for King County, such Court shall proceed no further unless
4
5 and until the case is remanded.

6
7 DATED this 7 day of March, 2007.
8
9

10
11 GORDON MURRAY TILDEN LLP

12
13 By 
14
15 Charles C. Gordon, WSBA #1773
16 Jeffrey I. Tilden, WSBA #12219
17 Michael Rosenberger, WSBA #17730
18 Attorneys for Defendant The Corporation of the
19 President of the Church of Jesus Christ of Latter-Day
20 Saints
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46

NOTICE TO CLERK OF REMOVAL - 2

GORDON MURRAY TILDEN LLP
1001 Fourth Avenue, Suite 4000
Seattle, WA 98154-1007
Phone (206) 467-6477
Fax (206) 467-6292

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

ROB RINDE f/k/a ROBERT LARRY LEROY
PITSOR, JR.,

Plaintiff,

v.

THE CORPORATION OF THE PRESIDENT
OF THE CHURCH OF JESUS CHRIST OF
LATTER-DAY SAINTS, a Utah corporation
sole,

Defendant.

NO.

NOTICE OF REMOVAL
(DIVERSITY JURISDICTION)

Defendant Corporation of the President of the Church of Jesus Christ of Latter-day Saints
("COP")¹ removes this action from the Superior Court of Washington State in and for King
County, to the United States District Court for the Western District of Washington, upon the
following grounds:

1. COP is the sole defendant in a civil action filed in the Superior Court of
Washington in and for King County, styled Rob Rinde f/k/a Robert Larry Leroy Pitsor, Jr. v. The
Corporation of the President of The Church of Jesus Christ of Latter-day Saints, a Utah

¹ Defendant's name is as stated; the Complaint incorrectly places "the" before "Corporation."

NOTICE OF REMOVAL - 1
No.

GORDON MURRAY TILDEN LLP
1001 Fourth Avenue, Suite 4000
Seattle, WA 98154
Phone (206) 467-6477
Fax (206) 467-6292

1 corporation sole, aka the "Mormon Church" the Church of Jesus Christ of Latter-Day Saints, an
2
3 unincorporated association, No. 06-2-09825-1 SEA (the "state court action"). Plaintiff
4
5 commenced the state court action by filing a complaint on March 22, 2006, a copy of which is
6
7 attached to this Notice. Undersigned counsel accepted service on behalf of the defendant and
8
9 defendant filed an answer.

10
11 2. Pursuant to 28 U.S.C. § 1441(a), "any civil action brought in a State court of
12
13 which the district courts of the United States have original jurisdiction, may be removed by the
14
15 defendant or defendants, to the district court of the United States for the district and division
16
17 embracing the place where such action is pending."

18
19 3. This Court has original jurisdiction over this action pursuant to 28 U.S.C. § 1332
20
21 based upon diversity of citizenship. The Plaintiff's interrogatory responses state that he resides
22
23 in the State of Minnesota. Defendant is a citizen of Utah, incorporated under the laws of Utah,
24
25 with its principal place of business in Utah. The complaint filed in the state court action does not
26
27 set forth the dollar amount of damages sought by plaintiff. Given the complaint alleges multiple
28
29 acts of sexual abuse, including one described as "brutal," all of which are alleged to have
30
31 occurred while plaintiff was a minor, defendant has a good faith belief that the plaintiff is
32
33 seeking damages in excess of \$75,000, exclusive of interest and costs.

34
35 4. COP previously removed this action, which was assigned cause number C06-
36
37 0556 TSZ. Plaintiff thereafter filed motions to amend the complaint to "clarify" the status of
38
39 "the Mormon Church" as an additional, independent defendant and to remand. This Court
40
41 granted the motion to amend and remanded the case to state court, finding the Mormon Church
42
43 to be an unincorporated association that is a citizen of each state in which it has a member, and
44
45 thus a non-diverse defendant. On February 13, 2007, the Superior Court dismissed the Mormon

NOTICE OF REMOVAL - 2
No.

GORDON MURRAY TILDEN LLP
1001 Fourth Avenue, Suite 4000
Seattle, WA 98154
Phone (206) 467-6477
Fax (206) 467-6292

1 Church as a defendant, again leaving only COP as a defendant. The court's order granted
2
3 plaintiff 14 days to file a motion to amend his complaint to add another non-diverse defendant,
4
5 Gordon Conger. On March 5, 2007, the Superior Court denied plaintiff's motion to amend to
6
7 add Mr. Conger. COP then timely removed.
8
9

10 WHEREFORE, Corporation of the President of the Church of Jesus Christ of Latter-day
11
12 Saints hereby removes this action from the Superior Court of Washington State in and for King
13
14 County to the United States District Court for the Western District of Washington at Seattle.
15

16 DATED this 7 day of March, 2007.
17
18

19 GORDON MURRAY TILDEN LLP
20

21
22
23 By 
24

25 Charles C. Gordon, WSBA #1773

26 Jeffrey I. Tilden, WSBA #12219

27 Michael Rosenberger, WSBA #17730

28 Attorneys for CORPORATION OF THE
29 PRESIDENT OF THE CHURCH OF JESUS
30 CHRIST OF LATTER-DAY SAINTS
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45

NOTICE OF REMOVAL - 3
No.

Exhibit Page 696

GORDON MURRAY TILDEN LLP
1001 Fourth Avenue, Suite 4000
Seattle, WA 98154
Phone (206) 467-6477
Fax (206) 467-6292

PHOTOCOPY.

FILED

06 MAR 22 PM 2:31

KING COUNTY
SUPERIOR COURT CLERK
SEATTLE, WA.

SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR KING COUNTY

ROB RINDE f/k/a ROBERT LARRY LEROY
PITSOR, JR.

Plaintiff,

vs.

THE CORPORATION OF THE PRESIDENT
OF THE CHURCH OF JESUS CHRIST OF
LATTER-DAY SAINTS, a Utah corporation
sole, aka the "MORMON CHURCH" THE
CHURCH OF JESUS CHRIST OF LATTER-
DAY SAINTS, an unincorporated association,

Defendant.

NO.

06-2-09825-1SEA

COMPLAINT

WILLIAM L. DOWNING

I. GENERAL ALLEGATIONS

This case alleges child sexual abuse, sexual assault and sexual battery, intentional infliction of emotional distress (aka the Tort of "Outrage"), civil conspiracy, fraudulent concealment and gross negligence. It arises out of the brutal victimization of plaintiff when he was twelve years old by PAUL H. LEWIS, a Mormon Church Scoutmaster and Melchisedek priest. LEWIS sodomized plaintiff, beat and choked him and forced a wire coat

COMPLAINT - 1 of 10

0
[160316 v015.doc]

LAW OFFICES
GORDON, THOMAS, HONEYWELL, MALANCA,
PETERSON & DAHEIM LLP
ONE UNION SQUARE
800 UNIVERSITY, SUITE 2100
SEATTLE, WASHINGTON 98101-4185
(206) 475-7500 - FACSIMILE (206) 576-7675

1 hangar up his penis inflicting permanent injury to his urogenital system that resulted in
2 excruciating physical and emotional pain that persists to this day. When he was
3 approximately fourteen years old Plaintiff disclosed the abuse to civil authorities. Three
4 church officials, including one who was a Seattle attorney, a Bellevue ward bishop and
5 another local church leader knowing that plaintiff's accusations were true pressured plaintiff
6 into not cooperating with law enforcement officials who were investigating LEWIS. These
7 church officials acted as part of a coordinated effort to shield fellow priest LEWIS from the
8 law and to protect the Mormon Church from scandal and civil liability.

9 II. PARTIES

10 2.1 Plaintiff ROB RINDE, (known as Larry Pitsor at relevant times), is an adult
11 and at all times relevant hereto was a boy residing with his mother and siblings first in Seattle,
12 and then in Bellevue, Washington. Plaintiff was born December 8, 1969. ROB RINDE, his
13 mother and his four siblings were recruited into the Church of Jesus Christ of Latter-day
14 Saints (hereinafter the "Mormon Church")1.

15 2.2 Defendant THE CORPORATION OF THE PRESIDENT OF THE CHURCH
16 OF JESUS CHRIST LATTER-DAY SAINTS, a Utah corporation sole, is a corporation duly
17 organized and operating pursuant to the laws of Utah. This defendant also operates as the
18 "MORMON CHURCH" THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS,
19 which is an unincorporated association. The defendant will hereinafter be referred to as COP.
20 In both capacities, COP operates churches within the State of Washington.

21 III. JURISDICTION AND VENUE

22 3.1 Jurisdiction and venue are proper in this Court because the acts giving rise to
23 this claim occurred in Bellevue, King County, Washington.

24
25
26
COMPLAINT - 2 of 10

0
[150316 v05.doc]

LAW OFFICES
GORDON, THOMAS, HONEYWELL, MALANCA,
PETERSON & DAHEIM LLP
ONE UNION SQUARE
600 UNIVERSITY, SUITE 2100
SEATTLE, WASHINGTON 98101-4105
(206) 476-7500 • FACSIMILE (206) 476-7515

IV. FACTS

4.1 "COP" is a corporation governed by a single individual, the President of the Mormon Church, Gordon B. Hinckley. The President wields ultimate and absolute authority within the Mormon Church. Mr. Hinckley, is the "Divine Prophet, Seer and Revelator" of the Church and has the authority to appoint and remove anyone in the Mormon Church, including all members of wards and stakes, at will. The President of the Mormon Church controls everything in the Mormon Church and all of its wards and stakes. As such, the President of the Church has authority to dictate changes in Church policy, discipline, ecclesiastical doctrine or anything else he so chooses. The acts of the President, in his capacity as head of the Mormon Church, are the acts of COP. COP is registered to do business within, and conducts continuous and systematic activities within, the State of Washington. At all relevant times, plaintiff was a member of and attended a Seattle and/or a Bellevue ward of the Mormon Church.

4.2 Adult male members of the Church are eligible to be ordained as "Priests." There are various levels of priesthood, including elevation to the rank of "Elder," "Melchisedek Priest," "High Priest." Elders, Melchisedek Priests and High Priests are held out by the Mormon Church as men that are "morally worthy" and deserving of the trust of its members.

4.3 At all relevant times, the Mormon Church assumed special responsibilities toward its members including a disciplinary and red-flagging system meant to identify and track sexual predators and other dangerous individuals within the membership in order to protect innocent members from harm they might inflict.

4.4 The Mormon Church is closely affiliated with the Boy Scouts of America. The Mormon Church is the oldest and one of the largest sponsoring organizations of boy scouting in the United States. Since 1913 the Mormon Church has used the Scouting program as an

COMPLAINT - 3 of 10

0
[160316 v05.doc]

LAW OFFICES
GORDON, THOMAS, HONEYWELL, MALANCA,
PETERSON & DAHEIM LLP
ONE UREON SQUARE
800 UNIVERSITY, SUITE 2100
SEATTLE, WASHINGTON 98101-4183
(206) 675-7500 - FACSIMILE (206) 675-7575

1 integral part of its ministry to boys and young men. Scouting is the exclusive youth activity
2 for males in the Mormon Church.

3 4.5 During the relevant time period, COP adopted guidelines for handling victims
4 of child sexual abuse and sex offenders. They failed to follow their guidelines with respect to
5 LEWIS.

6 4.6 During the approximate time period of 1981-1983, when RINDE was around
7 twelve years old, LEWIS was RINDE's ward scoutmaster. At that time LEWIS was in the
8 United States Navy and was a transient with no ties or history to the area prior to the church
9 placing LEWIS in the position of Scoutmaster of a Seattle ward to which RINDE was a
10 member.

11 4.7 Using his position of authority as Scoutmaster and Mormon Priest, LEWIS
12 was able to gain access to RINDE and use that access to groom and then molest, rape and
13 sadistically torture him.

14 4.8 LEWIS sexually molested RINDE at various locations in the Seattle area
15 including at an apartment to which LEWIS had unrestricted access, in the swimming pool,
16 locker room/shower and steam bath at Sand Point Naval Air Station, and in a motel room in
17 Issaquah.

18 4.9 The most appalling acts of abuse occurred in a room at Motel 6 in Issaquah in
19 approximately 1983. LEWIS used physical violence against RINDE, sodomizing him and
20 forcing RINDE to orally copulate LEWIS. LEWIS then took a wire coat hanger and forced it
21 into RINDE's urethra causing him to hemorrhage and causing chronic and irreparable injury
22 to his penis and urogenital system. These were acts of childhood sexual abuse, which acts
23 were also violations of chapter 9A.44 RCW or RCW 9.68A.040 or prior laws of similar effect
24 at the time the acts were committed.
25
26

COMPLAINT - 4 of 10

0
[150316 v05.doc]

LAW OFFICES
GORDON, THOMAS, HONEYWELL, MALANCA,
PETERSON & DAHEIM LLP
ONE UNION SQUARE
600 UNIVERSITY, SUITE 2100
SEATTLE, WASHINGTON 98101-4115
(206) 470-7500 - FACSIMILE (206) 576-7575

1 4.10 In approximately 1984 or 1985, RINDE disclosed the abuse and his mother
2 reported it to the civil and church authorities. A criminal investigation of LEWIS ensued.
3 Church officials described herein above shielded LEWIS from the law. The same church
4 officials urged RINDE, then age fourteen (14), to not cooperate with the law enforcement
5 investigation of LEWIS thereby allowing LEWIS to evade criminal prosecution and to move
6 to another state where he eventually sexually molested more children. These church officials
7 told him that he would not be believed, that it would be "his word" against LEWIS, that his
8 allegations would hurt the image and reputation of the Mormon Church, that RINDE would
9 be ridiculed and derided by church members in addition to other comments calculated to
10 intimidate RINDE from cooperating with the civil authorities investigating LEWIS.

11 4.11 Church leaders told RINDE that the church would "take care of things," that
12 they would help him with therapy and that they would help his family financially.

13 4.12 An abuse victim advocate in the King County Prosecutor's office arranged a
14 meeting with RINDE at her office. Before she could meet privately with RINDE, Mormon
15 Church leaders interfered in the investigative process. The three adult male Church officials
16 went to RINDE'S home and told him that they would take him to the meeting at the
17 prosecutor's office downtown. On the ride downtown in the car the three adult Mormon
18 church officials pressured RINDE not to cooperate with law enforcement officials.

19 4.13 At the meeting, the church official that was a licensed Washington attorney
20 told the victim's advocate that he was RINDE'S attorney which was untrue. The church
21 official/lawyer told the victim advocate he would not permit her to interview RINDE in
22 private.

23 4.14 RINDE succumbed to the Church's pressure not to cooperate. As a result,
24 charges against LEWIS were not filed. Soon thereafter LEWIS moved to another state and
25 joined a another ward of the Mormon Church.
26

COMPLAINT - 5 of 10

0
[160316 v05.doc]

LAW OFFICES
GORDON, THOMAS, HONEYWELL, MALANCA,
PETERSON & DAHEIM LLP
ONE UNION SQUARE
800 UNIVERSITY, SUITE 2100
SEATTLE, WASHINGTON 98101-4165
(206) 478-1500 - FACSIMILE (206) 478-1575

V. FIRST CAUSE OF ACTION
(Negligence based on Common Law and breach of Fiduciary Duty)

5.1 Plaintiff incorporates all paragraphs of this Complaint as if fully set forth under this count and further alleges:

5.2 Defendants COP and Mormon Church had a common law duty to plaintiff to protect him from the criminal acts of LEWIS.

5.3 Defendants COP and the Mormon Church breached their duty to protect plaintiff and plaintiff damaged thereby.

5.4 Defendants COP had a "special relationship" with plaintiff and with LEWIS. They knew or should have known that LEWIS was a sadistic serial pedophile that was actively abusing children, COP had a duty to use reasonable care in the hiring, supervision or retention of LEWIS as scoutmaster and also had a duty to warn or protect foreseeable victims including plaintiff. LEWIS' positions within the defendants' church were causally connected to and served to enable LEWIS to gain access to and abuse plaintiff.

5.5 The Mormon Church's bishops, stake presidents and Boy Scout leaders within the State of Washington breached both a duty of reasonable care in hiring, supervising or retaining LEWIS as scoutmaster and by failing to warn or protect children and/or by failing to report their knowledge of LEWIS's sexual abuse of children to civil authorities.

5.6 But for the breach of duty, acts, omissions and intentional misconduct of COP and the Mormon Church, church bishops, boy scout leaders, stake presidents and area presidents, LEWIS would not have been able to abuse plaintiff.

5.7 COP's failure to adhere to its previously adopted guidelines for handling victims of child sexual abuse and sex offenders caused harm to the plaintiff. The harm plaintiff suffered as a result of defendant's negligence was the harm contemplated in COP's Handbook of Instruction to its clergy.

COMPLAINT - 6 of 10

0
[160316 v05.doc]

LAW OFFICES
GORDON, THOMAS, HONEYWELL, MALANCA,
PETERSON & DAHEIM LLP
ONE UNION SQUARE
600 UNIVERSITY, SUITE 2100
SEATTLE, WASHINGTON 98101-4115
(206) 878-7500 - FACSIMILE (206) 873-7575

1 5.8 Notwithstanding Defendant's duties, defendant failed to train and supervise its
2 hierarchical clergy in the proper implementation of its guidelines, policies and procedures
3 regarding the treatment of victims of child sexual abuse, to monitor and insure compliance
4 with their guidelines, policies and procedures, treatment of child sexual abusers and reporting
5 of child sexual abuse.

6 5.9 Defendants knew, or in the exercise of reasonable care should have known,
7 that its failure to report LEWIS to appropriate law enforcement or social services agencies
8 would result in LEWIS sexually abusing children including plaintiff, and in plaintiff failing to
9 obtain adequate treatment.

10 5.10 As a result of the molestation, breach of trust, and statutory violations, plaintiff
11 has suffered and will continue to suffer physical and emotional pain and dysfunction to his
12 general, non-economic damage in an amount to be determined. As a further result of the
13 sexual abuse, plaintiff incurred and/or will continue to incur costs for counseling and
14 psychological treatment, and has lost earning capacity to his damage in an amount to be
15 proved at trial.

16 VI. SECOND CAUSE OF ACTION
17 (Intentional Infliction of Emotional Distress)

18 6.1 Plaintiff incorporates all paragraphs of this Complaint as if fully set forth under
19 this count and further allege:

20 6.2 Defendant knew, or in the exercise of reasonable care should have known, that
21 tampering with a witness was unlawful and that such conduct as pressuring victims not to
22 disclose, would be harmful to the best interests and psychological well-being of child victims
23 of sexual abuse, including plaintiff.

24 6.3 Defendants knew or should have known that pressuring plaintiff not to
25 cooperate with the civil authorities' investigation of LEWIS would greatly exacerbate
26

COMPLAINT - 7 of 10

0
[160316 v05.doc]

LAW OFFICES
GORDON, THOMAS, HONEYWELL, MALANCA,
PETERSON & DAHEIM LLP
ONE UNION SQUARE
800 UNIVERSITY, SUITE 2100
SEATTLE, WASHINGTON 98101-4125
(206) 470-7300 - FACSIMILE (206) 476-7575

1 plaintiff's physical, emotional and psychological injuries and, in fact, the defendant's conduct
2 greatly exacerbated plaintiff's physical, emotional and psychological injuries.

3 6.4 Defendant knew that plaintiff had been subjected to horrific sexual abuse at the
4 hands of its Scoutmaster and Melchesidek Priest PAUL LEWIS and knew that plaintiff had
5 and would continue to suffer emotional, psychological and physical injuries and that unless he
6 received appropriate assistance from civil authorities, that his injuries would be greatly
7 exacerbated and much more difficult to treat with the passage of time.

8 6.5 The Church, being more concerned about shielding itself from scandal and
9 potential civil liability and intent on protecting the public image of its all-male Mormon
10 priesthood at the expense of aiding a gravely injured child that was plaintiff, pressured
11 plaintiff in to not cooperating with the civil authorities with full knowledge of or with reckless
12 disregard of the emotional and psychological injuries its conduct was certain to inflict.

13 6.6 Defendant's conduct was an outrageous violation of societal norms and went so
14 far beyond all possible bounds of decency, so as to be regarded as atrocious, and utterly
15 intolerable in a civilized community, and resulted in severe emotional distress.

16 6.7 As a further result of the defendant's intentional conduct, plaintiff has incurred
17 and/or will continue to incur costs for counseling and psychological treatment, and has lost
18 earning capacity to his damage in an amount to be proved at trial. As a result of the
19 defendant's conduct, plaintiff has suffered and will continue to suffer physical and emotional
20 pain and dysfunction to his general, non-economic damage in an amount to be proved at trial.

21 **VII. THIRD CAUSE OF ACTION**
22 **(Estoppel and Fraudulent Concealment)**

23 7.1 Plaintiff incorporates all paragraphs of this Complaint as if fully set forth under
24 this count and further allege:

25 7.2 Church defendants engaged in a plan of action to cover up incidents of the
26 sexual abuse of minors by its Melchesidek priests and scout leaders and to prevent disclosure,

COMPLAINT - 8 of 10

0
[160316 v05.doc]

LAW OFFICES
GORDON, THOMAS, HONEYWELL, MALANCA,
PETERSON & DAHEIM LLP
ONE UNION SQUARE
800 UNIVERSITY, SUITE 2100
SEATTLE, WASHINGTON 98101-4105
(206) 878-7500 - FACSIMILE (206) 676-7575

prosecution and civil litigation including, but not limited to: failure to report incidents of abuse to law enforcement or child protection agencies, denial of abuse it had substantiated, the transfer of abusive Melchiesidek priests and scoutmasters, coercion of victims and their families and by failure to seek out and redress the injuries these men had caused. Based on these actions, the defendants engaged in fraudulent concealment and are estopped from asserting defense of limitations.

VIII. FOURTH CAUSE OF ACTION (Civil Conspiracy)

8.1 Plaintiff incorporates all paragraphs of this Complaint as if fully set forth under this count and further allege:

8.2 Defendant and others conspired to cover up incidents of sexual abuse of minors by its Mormon priests and scout leaders, including LEWIS and to prevent disclosure, prosecution and civil litigation including, but not limited to: failure to report incidents of abuse to law enforcement or child protection agencies, denial of abuse it had substantiated, aiding criminal child molesters in evading detection, arrest and prosecution, allowing them to cross state and international borders for purposes of gaining access to uninformed parents whose innocent children could be sexually abused, failure to warn, and by failure to seek out and redress the injuries its Melchiesidek priests and scoutmasters had caused. Based on these actions, the defendants conspired for the unlawful purpose of concealing and suppressing information on the danger and threat that scoutmaster and priests like LEWIS posed to unsuspecting children, including the plaintiff.

COMPLAINT - 9 of 10

0
[160316 v05.doc]

LAW OFFICES
GORDON, THOMAS, HONEYWELL, MALANCA,
PETERSON & DAHEIM LLP
ONE UNION SQUARE
800 UNIVERSITY, SUITE 2100
SEATTLE, WASHINGTON 98101-4185
(206) 476-7500 - FACSIMILE (206) 476-7575

IX. PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that the Court enter a judgment against the defendant and in plaintiff's behalf, for the following:

1. For special damages for medical treatment expenses, lost earnings, and lost earnings capacity, and the expenses of medication and other special expenses, both in the past and continuing into the future, in amounts to be determined at the time of trial;
2. For all general damages, for physical, mental and emotional injury and disturbance, and other disorders resulting from the acts complained of herein;
3. For attorney's fees, prejudgment interest, costs and exemplary damages allowed by RCW 9.68A.130 and other law; and
4. For such other and further relief as this Court determines just in the premises.

Dated this 22 day of March, 2006.

GORDON, THOMAS, HONEYWELL,
MALANCA, PETERSON & DAHEIM LLP

By: 

Michael T. Pfau, WSBA No. 24649

mpfau@gth-law.com

Michelle A. Menely, WSBA No. 28353

mmenely@gth-law.com

Co-Counsel for Plaintiff

LAW OFFICES OF TIMOTHY D. KOSNOFF

By: _____

Timothy D. Kosnoff, WSBA No. 16586

timkosnoff@comcast.net

Co-Counsel for Plaintiff

COMPLAINT - 10 of 10

0
[160316 v05.doc]

LAW OFFICES
GORDON, THOMAS, HONEYWELL, MALANCA,
PETERSON & DAHEIM LLP
ONE LEXON SQUARE
800 UNIVERSITY, SUITE 2100
SEATTLE, WASHINGTON 98101-4185
(206) 676-1300 • FACSIMILE (206) 676-7375